

Kercsmar & Feltus PLLC  
6263 N. Scottsdale Road, Suite 320  
Scottsdale, Arizona 85250  
(480) 421-1001

Gregory B. Collins (#023158)  
gbc@kflawaz.com  
KERCSMAR & FELTUS PLLC  
6263 N. Scottsdale Rd, Suite 320  
Scottsdale, Arizona 85250

Nicholas S. Lee (*Pro Hac Vice to be  
filed*)  
BISHOP & DIEHL, LTD  
1750 East Golf Road, Suite 390  
Schaumburg, Illinois 60173

Attorneys for Defendant and  
Counterclaimant Community Insurance  
Agency, Inc.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Insubuy, Inc.

Plaintiff,

v.

Community Insurance Agency, Inc.,  
Ramesh J. Patel, Gubman N. Moore,  
Inc. and Robert M. Chorzepa,

Defendants/Counterclaimants.

Community Insurance Agency, Inc.

Counterclaimant,

v.

Insubuy, Inc. and Narendra Khatri,

Defendants/Counterclaimants.

No. \_\_\_\_\_

(Case No. 10-03925 Pending in the  
Federal District Court for the Northern  
District of Illinois)

**MOTION TO OPEN  
MISCELLANEOUS CASE**

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1 Movant Community Insurance Agency, Inc. (“CIA”) a foreign corporation, files  
2 this Petition to Open Miscellaneous Action and states as follows:

3 **PARTIES**

- 4 1. CIA is a foreign corporation.  
5 2. Insubuy, Inc. is a foreign corporation.  
6 3. Domains By Proxy, Inc. is an Arizona Corporation who owns and operates  
7 DomainsByProxy.com.  
8 4. Go Daddy, Inc. is an Arizona Corporation who owns and operates  
9 godaddy.com.

10 **JURISDICTION**

- 11 5. Jurisdiction is proper in this Court under 28 U.S.C. §§ 1331, and 1338(a).  
12 6. Venue is proper in this Court because Insubuy, Inc., plaintiff in Case No.  
13 10-03925 pending in the Northern District of Illinois (hereinafter “the Illinois Action”),  
14 has served subpoenas related to the Illinois Action on Arizona residents seeking  
15 production of documents and things in Arizona.

16 **RELIEF REQUESTED**

17 7. On June 24, 2010, Insubuy, Inc. brought suit against CIA, Ramesh J. Patel,  
18 Robert M. Chorzepa, and Gubman N. Moore, Inc. in the Federal District Court for the  
19 Northern District of Illinois alleging claims for trademark infringement and cybersquatting  
20 involving 52 allegedly infringing domains.

21 8. A true and accurate copy of the Complaint in the Illinois Action is attached  
22 as Exhibit 1.

23 9. On September 9, 2010, the Federal District Court for the Northern District  
24 of Illinois in the Illinois Action entered the Protective Order attached as Exhibit 2.  
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1           10. On December 22, 2010, Insubuy, Inc. caused subpoenas to be issued in the  
2 Federal District Court for the District of Arizona to Domains by Proxy, Inc. and Go  
3 Daddy, Inc. True and accurate copies of the subpoenas are attached as Exhibit 3-4.

4           11. The subpoenas attached as Exhibits 3-4 seek production of documents and  
5 things from Arizona residents in Arizona.

6           12. CIA seeks to quash the subpoenas attached as Exhibit 3-4 because the  
7 subpoenas: (1) violate the Protective Order entered in the Illinois Action; (2) seek  
8 confidential and trade secret information; (3) seek to improperly shift the burden of  
9 production; (4) seek information that is neither relevant nor likely to lead to the  
10 discovery of admissible evidence in the Illinois Action; and (5) are overly broad.

11           13. In order to quash the subpoenas attached as Exhibits 3-4, CIA respectfully  
12 requests that the Court open a miscellaneous action.

13           14. CIA has attached hereto its proposed Motion to Quash Subpoena Duces  
14 Tecum Issued to GoDaddy, Inc. and Motion to Quash Subpoena Duces Tecum Issued to  
15 Domains by Proxy, Inc. CIA requests that these motions be filed by the clerk of the  
16 Court once the Court opens a miscellaneous action.

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18                   DATED this 19th day of January, 2011.

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20                                   KERCSMAR & FELTUS PLLC

21  
22                                   By s/ Gregory B. Collins  
23                                   Gregory B. Collins  
24                                   6263 N. Scottsdale Rd, Suite 320  
25                                   Scottsdale, AZ 85250

26                                   Attorneys for Community Insurance  
Agency, Inc.

Kersmar & Feltus PLLC  
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Scottsdale, Arizona 85250  
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**CERTIFICATE OF SERVICE**

I certify that on January 19, 2011, I electronically transmitted the foregoing to the Clerk's Office using the CM/ECF System for filing.

COPIES of the foregoing mailed  
this 19<sup>th</sup> day of January, 2011, to:

GODADDY.COM, INC.  
c/o Sherry Delgado  
14455 N. Hayden Road, #219  
Scottsdale, Arizona 85260

DOMAINS BY PROXY, INC.  
c/o Sherry Delgado  
14455 N. Hayden Road, #219  
Scottsdale, Arizona 85260

Amanda Greenspon  
Fritz L. Schweitzer, III  
St. Onge Steward Johnston & Reens LLC  
986 Bedford Street  
Stamford, CT 06905  
Attorney for Insubuy, Inc. and Narandra Khatri

By s/ Gregory B. Collins